

COMMON COUNCIL
COUNCIL CHAMBERS
MARCH 18, 2008

Mayor Armstrong called a regular meeting of the City Common Council to order at approximately 6:00 P.M. in the City Council Chambers.

I. Meeting Called to Order

- A. Opening Prayer was given by Council Person George Dutro.
- B. Pledge of Allegiance was led by Mayor Fred Armstrong.
- C. Roll Call: Jesse Brand, Ann DeVore, George Dutro, Craig Hawes, Martha Myers and Priscilla Scalf were present. Joe Richardson was absent.
- D. Acceptance of Minutes: Martha Myers moved to approve the minutes from the March 4, 2008 Council meeting. Priscilla Scalf seconded the motion. The motion passed by a vote of 6 to 0.

II. Unfinished Business Requiring Council Action

- A. Second reading of an Ordinance entitled “ORDINANCE NO._____, 2007, AN ORDINANCE VACATING PUBLIC RIGHT-OF-WAY.” (Fields / Fox) Jeff Bergman, Planning Director, indicated the first reading on this Ordinance was presented approximately six (6) months ago. The applicants have not responded to the instructions sent to them by the Planning Department. Jeff asked that in order to clear the matter, he would request the Council deny this Ordinance. Craig Hawes moved to deny the Ordinance. Martha Myers seconded the motion. The motion passed by a vote of 6 to 0.
- B. Second reading of an Ordinance entitled “ORDINANCE NO.13, 2008, AN ORDINANCE ADOPTING A REPLACEMENT ZONING ORDINANCE FOR THE JURISDICTION OF THE CITY OF COLUMBUS.” Jeff Bergman recapped the facts of this Ordinance and presented to Council an updated Memorandum regarding the Updated Issues of the Proposed Zoning Ordinance Outstanding Issues. This was a more updated copy than the one presented to Council at the public meeting on March 10, 2008. Jeff discussed some of the issues on the list. It was decided Council would go through the Memorandum which contained ten (10) issues. The Council would take action on the options or they would take no action. Much discussion followed. The Council acted upon the following ten (10) items in the Memorandum.

1. Near-downtown Multi-family Residential (R-6 / R-7 transition to RE) Zoning Ordinance Chapter 3.12

This issue has been identified by the Bartholomew County Landlord’s association as well as 2 of the 4 individuals responding with concern to the recent notice letter.

Option #1 - adopt the Zoning Ordinance as recommended.

This option would make two and multi-family residences a conditional use in the RE zoning district. Any new or expanded two or multi-family uses would require the approval of the Board of Zoning Appeals (or its Hearing Officer) at a public hearing. Both the project steering committee and the plan commission gave consideration to the issue of two and multi-family residential conversions. Each group found that the benefits to the neighborhoods from the public hearing outweighed the interests of the landlords.

Option #2 - amend the Zoning Ordinance to allow two and multi-family uses in the RE district and limit its use to the previously R-6 and R-7 areas.

This is the option requested by the landlords association and discussed in previous meetings. However, upon continued analysis the Planning Department staff believes this may be an oversimplification. While this option would address the issues identified by the landlords association it also defeats the intent of the RE district and severely limits that district's applications.

Option #3 – retain the RE district as is and adopt an overly district to preserve the currently permitted R-6 and R-7 uses and area.

While somewhat unconventional this option both (1) preserves the integrity of the RE zoning district and (2) addresses the concerns of the landlords. An overlay district provides an alternate set of regulations for specific geographic areas that compliments or “overlays” the basic underlying district. Both the current and the proposed zoning ordinance include overlay districts for the regulation of flood hazard areas and airport flight lines. The proposed “Mixed Density Neighborhood” overlay district would apply to all areas currently zoned R-6 or R-7 that are proposed to be rezoned to RE. The overlay district would retain two and multi-family residences as permitted uses in the formerly R-6 and R-7 areas, despite the change to RE. A copy of the proposed text of the “Mixed Density Neighborhood” overlay district is attached for your reference.

George Dutro made a motion to approve Option # 3. Jesse Brand seconded the motion. The motion passed by a vote of 4 in favor and 2 opposed. Ann DeVore and Priscilla Scalf voted nay.

2. Agricultural Zoning District Subdivision Limitations Effective Date

Zoning Ordinance Sections 3.5(D) (2), 3.6(D) (2), and 3.7(D) (2)

In a letter dated January 14, 2008, the Bartholomew County Commissioners suggested that the date used to calculate the permitted number of new home sites in agricultural zoning districts should be changed from September 7, 1999 to the effective date of the new ordinance. The 1999 date had been chosen to maintain a previously adopted regulation. The change proposed by the Commissioners would allow additional flexibility for these property owners and additional lots to be created in agricultural zoning districts. *From 2005 through 2007 the City averaged 5 subdivisions per year affected by these regulations. The Planning Department is assuming similar figures each year beginning in 2000; for an estimated total of 35 such subdivisions.*

Options: (1) retain the 1999 date or (2) change to the effective date of the new zoning ordinance.

Martha Myers made a motion to approve Option (1). Ann DeVore seconded the motion. The motion passed by a vote of 6 to 0.

3. Agricultural Zoning Districts

Zoning Ordinance Chapters 3.4, 3.5, 3.6, and 3.7

In a letter dated January 14, 2008, the Bartholomew County Commissioners suggested that the City give consideration to “enforcing the County Zoning Ordinance” in the 2-mile jurisdiction. I believe that the intent of this comment was to encourage the City to

make use of the new County agricultural zoning district system that is proposed in the new joint ordinance. Bartholomew County has adopted a system of 4 agricultural zoning districts developed around a baseline for determining the number of residential home sites that can be created from any parcel. That baseline provides a density of approximately 1 home per 5 acres in “prime farmland” areas (the AP zoning district) and a density of 1 home per 10 acres in general rural areas (the AG zoning district). The County system also provides a voluntary agriculture protection zoning district (AV) that prohibits new home sites and a rural residential (RR) district that allows non-productive ground to be developed. The City provisions of the proposed ordinance maintain the current single agricultural zoning district and limit all parcels to a maximum of 2 new home sites.

Options: (1) maintain the current system as written, (2) implement the entire County system, or (3) implement portions of the County system.

No motion necessary since they are maintaining the current system as written.

4. Telecommunications Towers as Conditional Uses in Agriculture Areas
Zoning Ordinance Table 6.5

When adopting the County version of the new Zoning Ordinance the Bartholomew County Commissioners changed the construction of a new traditional-design telecommunication tower from a permitted use (“P”) to a conditional use (“C”) in the AV and AP zoning districts. The conditional use provides for notice to adjoining property owners. *The construction of a new telecommunications tower is currently a conditional use within the jurisdictions of both Bartholomew County and the City of Columbus.* The Planning Department staff would recommend that the City Council also adopt this change to provide consistency.

Jesse Brand moved to approve this version that changed the construction of a new traditional-design telecommunication tower from a permitted use (P) to a conditional use (C). Ann DeVore seconded the motion. The motion passed by a vote of 6 to 0.

5. Farm-Related Animal Limits in the 2-mile Jurisdiction
Zoning Ordinance Section 6.3(B)

The last sentence of this section of the proposed Zoning Ordinance makes reference to a specific section for Bartholomew County requirements that are to apply within the City’s 2-mile jurisdiction. The Bartholomew County Commissioners deleted the County farm-related animal limits from the zoning ordinance and referred that topic to a committee for further study. The Planning Department staff would suggest that the City Council amend of the Columbus requirements to read “...outside of the City limits shall comply with any Bartholomew County requirements”.

George Dutro made a motion to amend that the Columbus requirements to read “outside of the City limits shall comply with any Bartholomew County requirements.” Ann DeVore seconded the motion. The motion passed by a vote of 6 to 0.

6. Zoning Designation for Jim & Barb Puckett Property (3265 McKinley)
Official Zoning Map

This property is currently zoned R-7 (Multi-family Residential) and is proposed to be zoned RS-3 (Single-family Residential). The Puckett’s have indicated their objection to the proposed change and have recently discussed their plans to construct apartments at this location with the Planning Department. The property is immediately north of Columbus Christian Church. Cambridge Square and Country Brook Apartments are to the east, across Marr Road. The current zoning to the west is R-3 (Single-family

Residential). This property was not the topic of any specific discussion by either the Steering Committee or the Plan Commission. It is assumed that this property was proposed to be changed to provide regularity to the single-family / multi-family residential boundary in this area – establishing Marr Road as that dividing line. The Planning Department is not aware of any infrastructure limitations or other conditions that would make this property unsuitable for either single-family or multi-family development.

Options: (1) retain the proposed RS-3 (Single-family Residential) zoning district or (2) change the zoning designation to RM (Multi-family Residential), which provides the R-7 equivalent. Please note that between the Plan Commission hearing on the proposed Ordinance and the Council's February 12, 2008 special meeting the Puckett's met with the Planning Department to discuss apartments at this location, they have also applied for a sign permit for apartments at this location. Therefore, it is possible that the apartments would be permitted regardless of the proposed zoning change.

Priscilla Scalf made a motion to approve Option (2). George Dutro seconded the motion. The motion passed by a vote of 6 to 0.

7. Zoning Designation for Rumpke Property (1950 Tellman Road)
Official Zoning Map

This property is currently zoned B-5 (General Business) and is proposed to be zoned AP (Agriculture Preferred). Rumpke operates an office and a transfer station at this location. The property was used for this purpose and included in a commercial zoning district prior to 1988 when the area was included in the 2-mile jurisdiction of the City of Columbus. Both the AP district proposed for this area and the I-3 zoning district allow for a transfer station as a conditional use. The Planning Department has received a letter from Rumpke indicating their preference for I-3, rather than AP zoning. Rumpke indicated their belief that the I-3 zoning would better preserve the future resale value of their property.

Options: (1) retain the proposed AP (Agriculture Preferred) zoning district or (2) change the zoning designation to I-3 (Heavy Industrial).

Jesse Brand made a motion to approve Option (2). Craig Hawes seconded the motion. The motion was defeated by a vote of 4 to 2 with George Dutro, Priscilla Scalf, Ann DeVore and Martha Myers voting nay. Option (1) is retained.

8. Zoning Designation for Lance Snider Property (633/637 4th St., 333 Pearl St., & 711 4th St.)
Official Zoning Map

The Planning Department has received a letter from Lance Snider regarding several properties that he owns in the area of the intersection of 4th and Pearl Streets. The properties at 333 Pearl Street and 711 4th Street are currently zoned R-7 (Multi-family Residential) and are proposed to be zoned RE (Residential Established). The properties at 633/637 4th Street are currently zoned RB (Restricted Buffer) and are also proposed to be zoned RE. Mr. Snider indicated that he has invested in these properties based on the zoning and would prefer that the zoning designation remain unchanged. All of these properties are part of the discussion regarding the proposed RE zoning district (see item #1 above). However, the properties at 633/637 4th Street are unique in that they are currently zoned commercial, rather than multi-family residential. These properties are used as residences; however residential use is not permitted in the RB district. The RB district permitted uses include professional offices and other similar facilities. The block on which these properties are located also currently includes B-4 (Highway Business) and SU-1 (Special Use – Churches) zoning. That same block is proposed to include CC (Community Commercial) and CD (Downtown Commercial) zoning by the new ordinance and map.

Options (333 Pearl St. & 711 4th Street): see item #1 above.

Options (633/637 4th Street): (1) retain the proposed RE zoning (considering item #1 above); (2) change the zoning designation to CO (Professional Office Commercial) which matches the current RB zoning but is a “spot zone” at this location; (3) change the zoning designation to CC which matches the zoning on the 3rd Street side of the block; or (4) change the zoning designation to CD, which matches zoning for the area immediately to the west.

George Dutro moved to approve Option (4). Craig Hawes seconded the motion. The motion passed by a vote of 6 to 0.

9. Zoning Designation for Brands Lumber Property (NW Corner of 14th & California Streets)
Official Zoning Map

This property is currently zoned B-5 (General Business) and is proposed to be zoned CC (Community Commercial). Brands currently uses the property as a mill work shop, which is a permitted use under the current zoning. These types of uses were transferred as permitted uses from commercial zoning (B-5) to industrial zoning (I-2) in the proposed zoning ordinance. This change was based on input from the real estate community which advocated that I-2 locations were better suited for these types of uses due to both their industrial context and land prices. If the Brands property were to be zoned CC the mill work shop would be a legal nonconforming (“grandfathered”) use at this location. Similar existing uses that were identified during the process of developing the zoning map, such as Force Construction’s offices, were changed from CC to I-2 zoning by the project steering committee.

Options: (1) retain the proposed CC (Community Commercial) zoning district or (2) change the zoning designation to I-2 (General Industrial).

George Dutro moved to approve Option (2). Ann DeVore seconded the motion. The motion passed by a vote of 5 to 0 with Jesse Brand abstaining.

10. Lot Frontage in Residential Zoning Districts
Zoning Ordinance Sections 3.8(C), 3.9(C), 3.10(C), 3.11(C), and 3.13(C)

The proposed zoning ordinance requires a minimum of 50 feet of lot frontage for lots in single-family residential zoning districts. This represents a change from the current zoning ordinance which required lot frontage ranging from 45 feet to 30 feet for the R-1 (Single-family Residential) through R-4 (Single-family Residential) districts. The proposed change provides consistency, but may also inadvertently affect some lot arrangements, specifically cul-de-sac lots in some higher density zoning districts.

Options: (1) retain the lot frontage as proposed or (2) revise the lot frontages to provide added flexibility and to be more consistent with the current ordinance as follows:

1. RS1 Zoning District - Section 3.8(C): 35 feet
2. RS2 Zoning District - Section 3.9(C): 35 feet
3. RS3 Zoning District - Section 3.10(C): 35 feet
4. RS4 Zoning District - Section 3.11(C): 35 feet
5. RT Zoning District – Section 3.13(C): Single-family Structure - 25 feet, Two-family Structure – 40 feet. Multi-family Structure – 50 feet

George Dutro moved to approve Option (2). Jesse Brand seconded the motion. The motion passed by a vote of 6 to 0.

There was further discussion regarding the Bicycle Parking Requirements of Section 7.1 (Part 2) (C) concerning allowing wave

racks and how many bicycle spaces need to be required per parking spots. George Dutro made the motion to amend the Bicycle Parking requirements as follows:

The Bicycle Parking Standards is changed to require zero bicycle parking spaces for parking lots with 1 to 100 required vehicle parking spaces and two bicycle parking spaces for parking lots with over 100 required vehicle spaces. Wave racks and comb racks will be allowed. Martha Myers seconded that motion. Motion passed by a vote 6 to 0. Martha Myers moved to amend the Ordinance as indicated. Priscilla Scalf seconded the motion. The motion passed by a vote of 6 to 0. Craig Hawes moved to approve the Amended Ordinance with the effective date being either the date of the Plan Commission approval of all revisions or City Council affirmation of any revisions not approved by the Plan Commission as required by Indiana Code. Martha Myers seconded the motion. The motion passed by a vote of 6 to 0.

- C. Reading of a Resolution entitled “RESOLUTION NO.9, 2008, A RESOLUTION ADOPTING A FISCAL PLAN FOR PROPERTY TO BE ANNEXED TO THE CITY OF COLUMBUS.” (Schroer/Jewell Annexation) Jeff Bergman presented this Item and also recapped Item D. since both deal with the same property. Jeff explained this Resolution needed to be passed before the final reading on the annexation of the property. He showed the power point presentation on this property and indicated it is a request for approximately 35.74 acres to be annexed. The property is located on the west side of I-65, north of State Road 58. Discussion followed. Craig Hawes moved to approve the Resolution. Priscilla Scalf seconded the motion. The motion passed by a vote of 6 to 0.
- D. Second reading of an Ordinance entitled “ORDINANCE NO 14, 2008, AN ORDINANCE ANNEXING AND DECLARING CERTAIN TERRITORY TO BE A PART OF THE CITY OF COLUMBUS, INDIANA.” (Schroer/Jewell) Jeff Bergman presented this Ordinance. Discussion on this matter occurred under Item C. Ann DeVore moved to approve the Ordinance. Priscilla Scalf seconded the motion. The motion passed by a vote of 6 to 0.
- E. Second reading of an Ordinance entitled “ORDINANCE NO.____, 2008, AN ORDINANCE AMENDING TITLE 2 AND TITLE 6 OF THE MUNICIPAL CODE OF THE CITY OF COLUMBUS, INDIANA ENTITLED ANIMALS.” Kevin Konetzka, Animal Control Manager, presented this Ordinance. He went through the Ordinance before the Council page by page and defined the revisions. People in the audience were given an opportunity to express their opinions and concerns. Much discussion followed. It was determined more revisions were needed on this Ordinance. Martha Myers, City Council Liaison to the Animal Control Board, informed the Council the Animal Control Board would be meeting in the near future to discuss further revisions and asked the Council to postpone the final reading. Martha Myers made a motion to postpone the final reading of this Ordinance. Craig Hawes seconded the motion. The motion passed by a vote of 6 to 0.

III. New Business Requiring Council Action

- A. First reading of an Ordinance entitled “ORDINANCE NO.____, 2008, AN ORDINANCE AMENDING THE ZONING MAP, A PART OF TITLE 17 (THE ZONING ORDINANCE) OF THE CODE OF LAWS OF COLUMBUS, INDIANA, REZONING THE SUBJECT PROPERTY FROM “R-4” (SINGLE-FAMILY RESIDENTIAL) TO “RB” (RESTRICTED BUFFER).” (Joel Spoon rezoning) Jeff Bergman presented this Ordinance. He indicated the applicant was requesting that an area approximately .74 acres be rezoned to Restricted Buffer. The area is currently zoned R-4 (Single-Family Residential). Jeff stated the property is located on the east side of Central Avenue between 12th and 13th Street. The Columbus Plan Commission met on March 5, 2008 and this application was given an unfavorable recommendation by a vote of 8 to 0. The applicant indicated the intent was to construct an office building on the property. Several neighboring home owners spoke at the Plan Commission meeting. All were opposed to the rezoning request. They expressed concerns about the encroachment of this business use into their residential neighborhood. Specifically noted as concerns were the traffic on 12th and 13th Streets, traffic congestion on Central Avenue, trash, and potential negative affects on their property values. Jeff presented a power point presentation on the property. Discussion followed. Several people in the audience spoke opposing the rezoning. A petition with signatures opposing the rezoning was given to City Council. Priscilla Scalf moved to deny the Ordinance. Ann DeVore seconded the motion. The motion to deny passed by a vote of 6 to 0.
- B. First reading of an Ordinance entitled “ORDINANCE NO.____, 2008, AN ORDINANCE AMENDING THE ZONING MAP, A PART OF TITLE 17 (THE ZONING ORDINANCE) OF THE CODE OF LAWS OF COLUMBUS, INDIANA, REZONING THE SUBJECT PROPERTY FROM “R-2” (SINGLE-FAMILY RESIDENTIAL) AND “I-2” (MEDIUM INDUSTRIAL) TO “B-4” (HIGHWAY BUSINESS).” (Louis Brown rezoning) Jeff Bergman presented this first reading of the Ordinance. Jeff indicated the applicant was requesting that an area of approximately 4.72 acres be rezoned to B-4. The area is currently zoned a combination of R-2 and I-2. The applicant indicated he intended to develop the property as a modular home sales facility. Jeff indicated several neighboring homeowners spoke in opposition of the rezoning request. They expressed concerns regarding increased traffic from business uses on nearby County Road 150 West and other potential negative affects on their homes and property values. Jeff indicated the application was sent to the City Council with an unfavorable recommendation by a vote of 6 opposing and 3 in favor of the rezoning. Jeff presented a power point presentation of the property. Jeff did indicate the staff gave the application a favorable recommendation. Lengthy discussion followed. The applicant, Louis Brown, did speak and gave City Council a letter from a neighbor who was in agreement with his rezoning request. George Dutro moved to place in proper channels. Craig Hawes seconded the motion. The motion passed by a vote of 5 to 1 with Ann DeVore voting nay.

- C. First reading of an Ordinance entitled “ORDINANCE NO._____, 2008, AN ORDINANCE AMENDING THE ZONING MAP, A PART OF TITLE 17 (THE ZONING ORDINANCE) OF THE CODE OF LAWS OF COLUMBUS, INDIANA, REZONING THE SUBJECT PROPERTY FROM “B-1 (NEIGHBORHOOD BUSINESS), “B-2” (COMMUNITY BUSINESS), AND “I-3” (HEAVY INDUSTRIAL) TO “R-6” (MULTI-FAMILY RESIDENTIAL), “R-7” (MULTI-FAMILY RESIDENTIAL), AND “R-7C” (MULTI-FAMILY RESIDENTIAL WITH CONDITIONS).” (Scott Ellegood – 10th St. rezoning) Jeff Bergman presented the first reading of this Ordinance. He indicated the applicant was requesting that an area of approximately 6.45 acres be rezoned to R-6, R-7, and R-7c. Jeff showed a power point presentation regarding the property. The Columbus Plan Commission met on March 5, 2008 and reviewed the application. The Commission forwarded to City Council a favorable recommendation with 9 in favor and 0 opposed to the rezoning. No members of the public spoke at the Plan Commission meeting. E.R. Gray was the surveyor on the property and was present in the audience to answer questions. Discussion followed. Jesse Brand moved to place in proper channels. Craig Hawes seconded the motion. The motion passed by a vote of 6 to 0.
- D. First reading of an Ordinance entitled “ORDINANCE NO._____, 2008, AN ORDINANCE AMENDING THE ZONING MAP, A PART OF TITLE 17 (THE ZONING ORDINANCE) OF THE CODE OF LAWS OF COLUMBUS, INDIANA, REZONING THE SUBJECT PROPERTY FROM “B-5” (GENERAL BUSINESS) TO “B-3c” (CENTRAL BUSINESS WITH CONDITIONS.)” (Columbus Redevelopment) Jeff Bergman presented the first reading of this Ordinance. He indicated the applicant was requesting that an area of approximately 5.78 acres located at the southeast corner of 2nd and Lafayette Streets be rezoned to B-3c. The rezoning application was submitted with the consent of the Irwin-Sweeney-Miller Foundation, the property owners. Jeff indicated that at the Columbus Plan Commission meeting the Commission reviewed the application and forwarded it to the City Council with a favorable recommendation by a vote of 8 in favor and 0 opposed. No members of the public spoke for or against this request at the Plan Commission meeting. Ed Curtin, Redevelopment Director, was in the audience to answer any questions. Jeff presented a power point presentation regarding this property. Discussion followed. George Dutro made a motion to place in proper channels. Priscilla Scalf seconded the motion. The motion passed by a vote of 6 to 0.
- E. Reading of a Resolution entitled “RESOLUTION NO. 10, 2008, RESOLUTION TO INCREASE THE PETTY CASH FUND FOR THE CLERK-TREASURER’S OFFICE.” Clerk Treasurer Brenda Sullivan asked the Council to approve an increase in the petty cash fund from \$150.00 to \$400.00. This is necessary due to the increased number of recording fees for primarily annexations, public-right-of-ways, and vacations. Brief discussion followed. Martha Myers moved to approve the Resolution. Priscilla Scalf seconded the motion. The motion passed by a vote of 6 to 0.

IV. Other Business

- A. Council appointments to Human Rights Commission. Craig Hawes made a motion to reappoint for another term Gil Palmer and Trena

Carter as board members for the Human Rights Commission. Jesse Brand seconded the motion. The motion passed by a vote of 6 to 0.

- B. Standing Committee and Liaison Reports.
- C. Next Regular Scheduled Meeting Tuesday, April 1, 2008 at 6:00 P.M. in the City Council Chambers, City Hall.
- D. Adjournment: Martha Myers moved to adjourn the meeting. Craig Hawes seconded the motion. The motion passed by a vote of 6 to 0. The meeting adjourned at approximately 9:20 P.M.

Presiding Officer of the Common Council

Attest:

Columbus City Clerk Treasurer